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Washington Health Policy Week in Review With Waxman's Retirement, Another Health Policy Giant Departs Congress

By Emily Ethridge, CQ Roll Call

January 30, 2014 -- Henry A. Waxman's announced retirement brings to an end the legislative career of the top Democrat shaping health care policy in the House, and adds to the growing list of health giants leaving Congress next year.

An architect of the health care overhaul (PL 111-148, PL 111-152), Waxman has been a relentless leader in nearly all areas of health policy, including the Food and Drug Administration, Medicare and Medicaid, tobacco regulations and HIV/AIDS.

His retirement means the departure of four decades of institutional knowledge and health care expertise that has earned him the respect of colleagues on both sides of the aisle. Despite being a staunchly liberal Democrat, Waxman has been able to compromise with Republicans to pass major pieces of legislation.

"He's been one of the great congresspeople, whether you agree with him or not," said Sen. Orrin G. Hatch, R-Utah, who counts Waxman as a good friend. "He's a very, very bright man with a tremendous ability, and I'm gonna miss him."

Hatch added, "He's as good as it gets."

President Barack Obama praised Waxman's career and accomplishments expanding access to health care.

"Henry will leave behind a legacy as an extraordinary public servant and one of the most accomplished legislators of his or any era," Obama said in a statement.

House Energy and Commerce Chairman Fred Upton said his proudest collaboration with Waxman was working to double research funding for the National Institutes of Health in the 1990s.

"Working together over the last three years, we have never allowed our principled differences to prevent us from finding common ground where we can and delivering a number of bipartisan successes, especially in the effort to improve the public health," Upton, R-Mich., said in a statement.

Even though Democrats are unlikely to take control of the House next year, whoever replaces Waxman as the top Democrat on the Energy and Commerce Committee will have a chance to shine—and enormous shoes to fill.

Waxman has left his mark on some of the most important pieces of health legislation of the past few decades, and his replacement will be responsible for overseeing the continued implementation of those laws.

Next in line is Michigan Democrat John D. Dingell, the longest-serving member of Congress and one of the few who can claim as much health knowledge and experience as his erstwhile rival. Waxman ousted Dingell as chairman of the Energy and Commerce Committee back in 2008.

Dingell issued a statement taking notice of Waxman's departure. "I've had the honor of serving alongside of him on what is the very best committee in Congress, and we've worked together for many years to pass legislation that helps the American people," Dingell said. But he wouldn't say if he plans to seek reinstatement to the top Democratic spot on the panel.

"I've been Chairman and Ranking Member of this committee before, and I've done both jobs well," Dingell said in another statement. "But I just learned of Henry's retirement as I landed at the airport back in Michigan, so I'm going to take a deep breath and look at everything, and from there I'll speak with my colleagues when I return to Washington. I'll make the best decision I can on behalf of the people I'm so blessed to represent in Michigan's 12th District."

Behind Dingell is Frank Pallone Jr., who currently serves as the ranking Democrat on the panel's Health Subcommittee and has built knowledge of the major health issues, particularly those relating to the FDA. Pallone is also a liberal who regularly pushes back against Republicans when they attack the health care law.

Still, compared with Dingell and Waxman, Pallone is a relative newcomer. And with the retirements of Democratic health policy giants Rep. George Miller of California and Sens. Max Baucus of Montana, Tom Harkin of Iowa and Jay Rockefeller of West Virginia, the health policy world will experience a major shakeup next year.

One of Waxman's most significant laws is the Hatch–Waxman Act (PL 98-417). Enacted in 1984, it made it easier for generic drugs to enter the market and compete with brand-name pharmaceuticals, and is credited for much lower drug costs.

"Hatch–Waxman is one of the all-time great consumer bills and that couldn't have happened without Henry," said Hatch.

Waxman also wrote the orphan drug act (PL 97-414), which gives market and tax incentives to companies to develop drugs for small patient

populations. He also worked to create the Children's Health Insurance Program and to expand Medicaid. House Democratic Leader Nancy Pelosi, D-Calif., praised Waxman for being one of the first leaders to talk about HIV/AIDS, and for investing in research, treatments and care for the disease. Waxman's work helped lead to passage of the Ryan White Care Act (PL 101-381), which provides services to Americans with HIV who do not have sufficient health care coverage or financial resources.

And Waxman was instrumental in passage of the 2010 health care overhaul, which he called "one of my lifelong dreams" in a statement announcing his retirement.

Along with passing legislation, Waxman never shied away from conflict, whether it was battling lawmakers or grilling witnesses at oversight hearings. He was the ranking member of the House oversight panel from 1997 to 2007, and chairman from 2007 to 2009. In the early 1990s, Waxman held a series of hearings on tobacco, famously bringing tobacco company executives to testify before Congress. He held another high-profile set of hearings into steroid use in major league baseball beginning in 2005.

"While I didn't always agree with Chairman Waxman on matters of both policy and oversight tactics, his tenure helping the Committee set important precedents and innovated new investigative tools such as the use of subpoenas for closed-door depositions," said current House Oversight and Government Reform Chairman Darrell Issa, R-Calif., in a statement.

Waxman said he was not leaving out of frustration with Congress, but to make room for someone else to create his or her own legacy.

"After 40 years in Congress, it's time for someone else to have the chance to make his or her mark, ideally someone who is young enough to make the long-term commitment that's required for real public service," said Waxman in a statement.

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